

COMBINED PUBLIC NOTICE

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS AND FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN/WETLAND

BERGEN COUNTY

May 6, 2016

New Jersey Department of Community Affairs
101 South Broad Street
PO Box 800
Trenton, NJ 08625-0800

This Notice is related to Federal assistance provided in response to the Presidentially-declared disaster, Superstorm Sandy. This notice shall satisfy two separate but related procedural requirements for activities to be undertaken by the New Jersey Department of Community Affairs (DCA).

Per 24 CFR 58.33, and 24 CFR 55.20(b)(1), the Notice of Intent to Request Release of Funds (NOI-RROF) and the Final Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain/Wetland will be published simultaneously with the submission of the RROF. The funds are needed on an emergency basis due to a declared disaster from the impacts of Superstorm Sandy, which made landfall on October 29, 2012. As a result, the comment periods for the NOI-RROF, 100-Year Floodplain/Wetland, and RROF have been combined. Commenters may submit comments to DCA and objections to the U.S. Department of Housing and Urban Development (HUD) to ensure they will receive full consideration.

REQUEST FOR RELEASE OF FUNDS

On or about May 16, 2016, the DCA will submit a request to HUD for the release of Federal funds under the Community Development Block Grant Program (CDBG) pursuant to the Disaster Relief Appropriations Act of 2013 (Public Law 113-2, approved January 29, 2013) for the Flood Hazard Risk Reduction (FHRR) program. DCA expects to fund the project using approximately \$914,030 of CDBG-DR funds

PROJECT DESCRIPTION

Application ID number: FHR0000019

Project Title: Losen Slote Storm Water Pump Station Improvements

Location: Block 106, Lot 3.01, Borough of Little Ferry &
Block 106.1, Lot 1, Township of Hackensack,
Bergen County, New Jersey

The total estimated project cost is \$914,030.

The project involves retrofitting the existing three trash rack bays with self-cleaning bar screen systems and installing a rubber belt conveyor system which will transfer debris to a 10 CY roll-

up waste container located on a proposed 8" thick concrete pad. Additional site improvements include a 25 LF of concrete retaining wall, Jersey Barriers, new light fixtures and building mounted lights, a paved turning area for the trucks along the existing asphalt pavement road, widening and paving the existing gravel access road, and a new electrical control panel for the proposed self-cleaning bar screen system and conveyor belt system installed in the pump station control room.

The Responsible Entity, DCA, has determined that the proposed project is Categorically Excluded Subject to §58.5 authorities per 24 CFR 58.35(a). As such, a Statutory Checklist has been completed in order to determine whether the project is in compliance with the authorities cited at 24 CFR §58.5.

Additional project information is contained in the Environmental Review Record on file at the New Jersey Department of Community Affairs, Sandy Recovery Division, 101 South Broad Street, Trenton, NJ 08625-0800. The record is available for review and may be examined or copied weekdays 9 A.M. to 5 P.M. or can be viewed online at <http://www.nj.gov/dca/divisions/sandyrecovery/review/>.

FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN/WETLAND

This is to give notice that the DCA has conducted an evaluation as required by Executive Order 11988 and 11990, in accordance with HUD regulations at 24 CFR 55.20 Subpart C, Procedures for Making Determinations on Floodplain Management and Wetlands Protection. The activity is funded with Community Development Block Grant Disaster Recovery (CDBG-DR) funds under HUD grant number B-13-DS-34-0001.

The proposed project is located at Block 106, Lot 3.01 and Block 106.1, Lot 1 in the Borough of Little Ferry and the Township of Hackensack, respectively, Bergen County, New Jersey. The Bergen County Utilities Authority (BCUA) Little Ferry Water Pollution Control Facility is located at the subject property. The Losen Slote Tide Gate Storm Water Pump Station, where the improvements are taking place, is in the southwest portion (– Latitude + 40° 49' 45.60", Longitude -74° 2' 17.15") of the BCUA Little Ferry Water Pollution Control Facility. The subject property presently consists of a total of 17.27± acres, comprised of the BCUA Little Ferry Water Pollution Control Facility and disturbed tidal wetlands. The site is bordered by disturbed tidal wetlands to the north, south and east and commercial developments to the west. Improvements include retrofitting existing three trash rack bays with self-cleaning bar screen systems, a rubber belt conveyor system which will transfer debris to a 10 CY roll-up waste container located on a proposed 8" thick concrete pad, a 25 LF of concrete retaining wall, Jersey Barriers, new LED light fixtures on the two existing lighting poles, two additional building mounted lights, a paved turning area for the trucks along the existing asphalt pavement road, widening and paving the existing gravel access road, and a new electrical control panel for the proposed self-cleaning bar screen system and conveyor belt system installed in the pump station control room.

The project site is located entirely within the Special Flood Hazard Area Zone “AE” Zone floodplain, as shown on the latest FEMA Preliminary Flood Insurance Rate Map for Bergen County, Community Panel No. 34003C0258J, dated August 29, 2014. In addition the majority of the subject property is comprised of wetlands consisting of disturbed tidal wetlands, saline marsh (high marsh) and phragmites dominate coastal wetlands. The Losen Slote Storm Water Pump Station and existing gravel access road are not located within any wetlands. The improvement of the access road and installation of the paved turnaround area will not disturb any existing wetlands; however wetlands are adjacent to the project area.

DCA has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values. Among the alternatives were: (i) undertaking the project as proposed, (ii) relocating the proposed project outside of the floodplain, and (iii) not undertaking the project at all (No Action).

The entire Losen Slote Tide Gate Storm Water Pump Station is located within the Special Flood Hazard Area Zone “AE” Zone floodplain. Due to the proposed project consisting of improvements at the existing Losen Slote Tide Gate Storm Water Pump Station in the form of a new self-cleaning bar screen system, relocation outside the floodplain is not an available alternative.

A No Action alternative was considered and rejected because taking no action would not address the vital infrastructure needs of the area, would not aid in community and economic recovery in Moonachie, Little Ferry, Teterboro, South Hackensack and Hackensack, and would not address the needed reduction of future flood risk and associated human health, safety and welfare impacts. In addition should the Losen Slote Tide Gate Storm Water Pump Station remain unimproved, it could contribute to more operational issues followed by the flooding of the surrounding areas. Implementation of the proposed action will require local and state permits, which may place additional mitigation requirements on the project.

DCA has reevaluated the alternatives to building in the floodplain/wetland and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of Executive Order 11988 and 11990, are available for public inspection, review and copying upon request at the times and location described in the Public Comments section of this notice.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains/wetlands and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about floodplains/wetlands can facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains/wetlands, it must inform those who may be put at greater or continued risk.

PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to comment on the project may submit written comments to Laura Shea, Assistant Commissioner, New Jersey Department of Community Affairs, 101 South Broad Street, PO Box 800, Trenton, NJ 08625-0800 or online at <http://www.nj.gov/dca/divisions/sandyrecovery/review/> and to Tennille Smith Parker, DRS, Acting Division Director, HUD, 451 Seventh Street SW, Washington, D.C. 20410. All comments received by May 16, 2016, or seven (7) days from the actual date of publication, whichever is later, will be considered by DCA. Comments should specify which Notice they are addressing.

ENVIRONMENTAL CERTIFICATION

DCA certifies to HUD that Charles A. Richman, in his capacity as Commissioner of DCA consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under the National Environmental Policy Act and related laws and authorities, and allows DCA to use CDBG-DR funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of funds and DCA's certification for a period of seven (7) days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of DCA; (b) DCA has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient has committed funds or incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency, acting pursuant to 40 CFR Part 1504, has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58.76) and shall be addressed to Tennille Smith Parker, DRS, Acting Division Director, HUD, 451 Seventh Street SW, Washington, D.C. 20410. Potential objectors should contact HUD to verify the actual last day of the objection period.

Commissioner Charles A. Richman
New Jersey Department of Community Affairs